

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, 1, 3-4, 6-7, and 9-18 will be pending. By this amendment, claims 1, 4, 7, 10-11, and 13-18 have been amended.

§103 Rejection of Claims 1, 3, 4, 6, 7, and 9-18

In Section 1 of the Office Action, the Examiner has rejected claims 1, 3, 4, 6, 7, and 9-18 under 35 U.S.C. §103(a) as being unpatentable over Isashi (U.S. Patent 5,898,600; hereinafter referred to as "Isashi") in view of Mitsuhashi et al. (U.S. Patent 6,184,930; hereinafter referred to as "Mitsuhashi"). This rejection is respectfully traversed below.

Regarding claim 1, as shown above, claim 1 has been amended and calls for:

1. An information processing apparatus which has a graphic user interface adopting windows and which is capable of selecting and operating any of a plurality of application programs, said information processing apparatus comprising:
 - image pickup means for picking up an image of an object;
 - detecting means for detecting operations performed by a user;
 - controlling means for controlling an application program so that said application program is activated to pick up said image when said detecting means detects operations; and
 - a push button;
 - wherein said detecting means detects a first operation and a second operation performed by said user and both the first operation and the second operation are performed using said push button,
 - wherein said controlling means activates a window for said application program for picking up said image when said detecting means detects said first operation, said controlling means further causing said image pickup means to pick up said image and store

said picked up image when said detecting means detects said second operation.

Accordingly, in one aspect of claim 1, when the detecting means detects a first operation performed using a push button, the controlling means activates a window for picking up the image of the object. When the detecting means detects a second operation using the same push button, the controlling means picks up and stores the image. Therefore, the same push button is used for activating a window and for storing an image.

Considering the Examiner's rejection of claim 1 in the Office Action as applied to amended claim 1, it does not appear that the arguments presented by the Examiner in rejecting claim 1 over Isashi and Mitsuhashi establish how the cited combination of Isashi and Mitsuhashi shows or suggests amended claim 1. In rejecting claim 1, the Examiner appears to argue that the two references show picking up an image and performing two operations using one push button to access two respective functions. However, it does not appear that the two functions referenced by the Examiner are the two functions called for in claim 1. In the section of Mitsuhashi referenced by the Examiner, it appears that one operation of a push button causes an image to be captured and stored and a second operation of the push button causes a previously stored image to be displayed. Therefore, it appears that the two functions referenced by the Examiner are (1) capturing an image and (2) displaying a previously stored image.

In contrast, in claim 1, the controlling means activates a window for picking up the image when the first operation of the push button is detected and the controlling means picks up the image and stores the image when the second operation of the push button is detected. Therefore, the functions in claim 1 are (1) activating a window and (2) picking up and storing an image. It appears that the Examiner has not explained how the references specifically show the

functions and the relationship between the single push button and those functions called for in claim 1. Without further explanation by the Examiner, it is submitted that the Examiner has not established how the cited combination of Isashi and Mitsuhashi shows or suggests this aspect of claim 1.

Accordingly, it does not appear that the Examiner has established how the cited combination of Isashi and Mitsuhashi, as referenced by the Examiner in rejecting claim 1, shows or suggests at least these aspects of amended claim 1, and so it is submitted that the Examiner has not established how the cited combination of Isashi and Mitsuhashi shows or suggests amended claim 1 as a whole. Claims 3 and 10-12 depend from claim 1, and it is also submitted that the Examiner has not established how the cited combination of Isashi and Mitsuhashi shows or suggests claims 3 and 10-12, through their dependence on claim 1. Similar arguments apply to claims 4 and 7, and so to claims 6 and 13-15 that depend from claim 4, and to claims 9 and 16-18 that depend from claim 7.

In addition, regarding claim 10, claim 10 has been amended and calls for:

10. An information processing apparatus according to claim 1, wherein:

said controlling means holds a still image picked up by said image pickup means for preview in the activated window for said application program while said first operation is performed, said controlling means causes said image pick up means to store said still image when said second operation is detected, and the activated window for said application program displays said still image as picked up by said image pickup means when said first operation is detected.

Accordingly, in one aspect of claim 10, the controlling means holds a still image in the activated window while the first operation is performed using the push button. The still image is the image picked up when the first operation of the push button is detected. Therefore, when the

first operation of the push button is detected, the controlling means activates a window displaying a still image picked up when the first operation is detected. The controlling means causes the window to continue to display the still image while the first operation is detected. When the second operation is detected, the still image is stored.

Considering the Examiner's rejection of claim 10 in the Office Action as applied to amended claim 10, it does not appear that the arguments presented by the Examiner in rejecting claim 10 over Isashi and Mitsuhashi establish how the cited combination of Isashi and Mitsuhashi shows or suggests amended claim 10. In rejecting claim 10, the Examiner appears to argue that the two references show picking up an image and performing two operations using one push button to access two respective functions. However, it does not appear that the two functions referenced by the Examiner are the two functions called for in claim 10. As discussed above, in the section of Mitsuhashi referenced by the Examiner, it appears that one operation of a push button causes an image to be captured and stored and a second operation of the push button causes a previously stored image to be displayed. Therefore, it appears that the two functions referenced by the Examiner are (1) capturing an image and (2) displaying a previously stored image. For these two functions, it appears that the second function of displaying an image comes after that image was captured because the displayed image is a previously stored image.

In contrast, in claim 10, the controlling means activates a window displaying a still image when and while the first operation of the push button is detected and the controlling means stores the still image when the second operation of the push button is detected. Therefore, the functions in claim 10 are (1) activating a window displaying a still image as picked up when the first operation is detected, and (2) storing the still image. For these two functions, the function of displaying the still image comes before storing that still image. Furthermore, the still image is

not a previously stored image. The still image displayed is the image picked up when the first operation of the push button is detected. It appears that the Examiner has not explained how the references specifically show the functions, their relationship in time sequence, and the relationship between the single push button and those functions called for in claim 10. Without further explanation by the Examiner, it is submitted that the Examiner has not established how the cited combination of Isashi and Mitsuhashi shows or suggests this aspect of claim 10. Similar arguments apply to claims 13 and 16.

In addition, regarding claim 11, claim 11 has been amended and calls for:

11. An information processing apparatus according to claim 1, wherein if said application program for picking up said image is not active when said detecting means detects said first operation, before said controlling means activates a window for said application program for picking up said image, said controlling means boots said application program when said detecting means detects said first operation.

Accordingly, in one aspect of claim 11, if the application program for picking up the image is not active when the first operation of the push button is detected, the controlling means boots the application program when the first operation of the push button is detected and before activating the window. Therefore, the sequence of events is: detect first operation of push button, boot application program, activate window.

Considering the Examiner's rejection of claim 11 in the Office Action as applied to amended claim 11, it does not appear that the arguments presented by the Examiner in rejecting claim 11 over Isashi and Mitsuhashi establish how the cited combination of Isashi and Mitsuhashi shows or suggests amended claim 11. In rejecting claim 11, the Examiner appears to argue that the application program would inherently be activated before activating the window. However, in claim 11, while the application program is booted before activating the window, the

application program is booted when the first operation of the push button is detected. It does not appear that the Examiner has addressed how the cited combination of Isashi and Mitsuhashi shows this aspect of claim 11. Therefore, it does not appear that the Examiner has established how the cited combination of Isashi and Mitsuhashi shows the sequence of events called for in claim 11. Without further explanation by the Examiner, it is submitted that the Examiner has not established how the cited combination of Isashi and Mitsuhashi shows or suggests this aspect of claim 11. Similar arguments apply to claims 14 and 17.

Based upon the foregoing, it is submitted that claims 1, 3, 4, 6, 7 and 9-18 are not anticipated by nor rendered obvious by the teachings of Isashi and Mitsuhashi, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 1, 3, 4, 6, 7 and 9-18 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1, 3-4, 6-7, and 9-18 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

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In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:


Hans R. Mahr, Reg. No. 46,138 for

William S. Frommer
Reg. No. 25,506
(212) 588-0800